

**APPROVED 8-6-12**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, July 9, 2012 at the North Haven Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

**MEMBERS PRESENT:**

Vern E. Carlson, Chairman  
Curtis D. Andrews, Sr., Secretary  
James J. Giulietti  
Theresa Ranciato-Viele  
Edward M. Homa, Alternate, sitting  
Richard E. Wilson, Alternate

**MEMBERS ABSENT:** None

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Carlson, Chairman, opened the meeting at 7:07 p.m. and introduced the Commissioners, alternates and town staff. Then Mr. Carlson asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that application #P12-16 has been postponed to the August 6, 2012 meeting.

**PUBLIC HEARINGS:**

1. #P12-16 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to Add Section 4.4.1.38, to allow an Upper Washington Avenue Multi-Use (UWMU) Development Zone. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

This application has been postponed to the August 6, 2012 meeting.

Mr. Andrews read the call for the first Public Hearing.

2. #P12-18 Resubdivision Application of East Brown Associates, Owner and Applicant, for fifteen (15) lots relative to 301 Kings Highway, (Map 98, Lot 2). Plan Entitled: Anderson Sunnyside Farm - Section II, Kings Highway, North Haven, Connecticut. Prepared by Conklin & Soroka, Inc. Dated September 2011, rev. 2-10-12. Scale 1" = 50'. R-40 Zoning District.

Attorney Steven Murphy, representing the applicant, presented the application in accordance with the Settlement Agreement approved by the Commission on April 2, 2012. The applicant is requesting approval for fifteen (15) lots, including lot #15 that includes the existing house on the property. A new street with a cul-de-sac is being proposed extending west from Kings Highway approximately 400' in length with seven of the lots having access from the new road.

Also, Canterbury Way is proposed to be extended from its existing cul-de-sac north approximately 300 feet and then west approximately 600 feet. Ten lots will have access from this new portion of road. In order to qualify for a waiver of the 750' maximum length limitation for a cul-de-sac, the Commission needs to determine the likelihood of Logan Drive being connected to McMahon Lane.

Mr. E. Paul Lambert of Lambert Engineering further described the proposed development and the water management system. Mr. David Lord, Soil Scientist, described the soils and detention basins located on this site. The Commission asked questions and Attorney Murphy, Mr. Fredricksen, Mr. Lord and Mr. Lambert responded.

Mr. Carlson asked for public comment.

Public comment:

1. Jeff Smalley, 27 Legrand Road, has drainage concerns. He asked for the location of the new swales and leeching fields. He is concerned with septic systems and wells being impacted by this project. He asked how the time frame of the new road being built would affect the bond. He is also concerned with home values being impacted on Legrand Road and asked about the noise ordinance.
2. Robert Tait, 19 Legrand Road, stated that he is an abutter of the proposed development and never received notice of this Public Hearing. He is concerned with the maintenance of detention basins and wants to make sure the project gets fully completed. He asked if there were any comments from the Fire and Police Departments and if a study of wildlife will be conducted for this site.
3. Roberta Friedman, a 37 year resident of 24 Legrand Road, has drainage concerns and feels the developer should be obligated to bring a water line to Legrand Road. She has concerns with the water supply and wetlands becoming contaminated. She also has concerns with the lack of a sufficient buffer zone and future development. She would like the Commission to set the bond at the maximum amount for this project and make sure it is posted before the project begins.
4. Attorney Phil Bartels, representing Henry and Nancy Bartels of 35 Canterbury Way, has concerns with the project not being fully completed. He distributed a letter dated July 9, 2012 regarding detention pond easements, Exhibit 1. He feels the homeowners should be responsible for maintaining the basins and suggested a lien on properties of homeowners who fail to maintain their basins.

5. Donna Levine, 23 Legrand Road, stated that she did not receive notice of this Public Hearing. She feels this project does not promote the health, safety and welfare of the community. She asked that wells on Legrand Road be located, due to concerns with leeching fields impacting them. She also asked questions regarding; the number of trees that would have to be cleared, the buffer zone size, and grading impacting water runoff. She suggested a wildlife study be conducted on this site. She also has concerns with the right size septic systems being installed for this development.
6. William Bidwell, 267 Kings Highway, has concerns with drainage and wetlands being contaminated by lawn fertilizers.
7. Attorney Bernard Pellegrino, representing Asma Rauf of 44 Canterbury Way, stated that his client did not receive notice of this Public Hearing and that the applicant should resend the Public Hearing notifications. He asked if there is a deed restriction for the two large lots and asked the Commission to clarify previous bond issues that could affect a current bond for this project. He also asked questions regarding the extended cul-de-sac.
8. Jim McMahon of East Brown Associates, 29 Ward Place, West Haven, explained how the Public Hearing notifications were mailed. Then he discussed the current drainage and site conditions on Canterbury Way.
9. Sid Levine, 23 Legrand Road, has concerns with clearing of trees and new septic systems impacting well water. He asked that the Public Hearing be continued to the September meeting when residents are not on vacation.
10. Sharman Tait, 19 Legrand Road, has drainage concerns. She is requesting a 25' wide conservation easement along the perimeter of the parcel which must be left in its natural state. She submitted a Planning & Zoning approval letter dated, May 9, 1994, Exhibit 2. She asked why two cul-de-sacs are being proposed and has drainage concerns.

Mr. Lambert addressed further questions from the Commission.

**BREAK:** 9:20 – 9:30 PM

Mr. Andrews read the call for the second Public Hearing.

The Commission elected to hear applications #P12-20S and #P12-20 together.

3. #P12-20S Special Permit Application (as authorized by Section 5.1.1.59), of David Marro, ADM Ventures, LLC, Applicant, 375 Washington Avenue Associates, LLC, Owner, relative to 375 Washington Avenue, (Map 85, Lot 15). Plan Entitled: Proposed Site Plan, Peoples Medical, 375 Washington Avenue, North Haven, CT. Prepared by John Paul Garcia and Associates, P.C.. Dated 6-5-12. Scale 1" = 20'. IL-30 Zoning District.

5. #P12-20 Site Plan Application of David Marro, ADM Ventures, LLC, Applicant, 375 Washington Avenue Associates, LLC, Owner, relative to 375 Washington Avenue, (Map 85, Lot 15). Plan Entitled: Proposed Site Plan, Peoples Medical, 375 Washington Avenue, North Haven, CT. Prepared by John Paul Garcia and Associates, P.C.. Dated 6-5-12. Scale 1" = 20'. IL-30 Zoning District.

Mr. John Paul Garcia, P.E. presented the application to permit the change of use of this existing 21,600 square feet facility from office/warehouse to office/wholesale distribution facility for People's Medical. New construction is limited to an approximate 12' diameter oxygen storage tank in the southwest corner of the site. The Special Permit Application is required for the processing of the oxygen gas. The Commission asked questions and Mr. Garcia responded.

Mr. David Marro, representing People's Medical, further explained his business and then answered questions from the Commission.

Mr. Carlson asked for public comment:

Public comment:

1. Richard Lopresti, 175 Sentinel Hill Road, asked if the applicant will purchase or lease this property and what are his plans for the front of the property.

Mr. Marro addressed the public comment.

There being no further questions, the Public Hearing was closed.

#### **SITE PLANS:**

4. #P12-19 Site Plan Application of Jarrett Rousseau, Owner and Applicant, relative to 105 Quinnipiac Avenue, (Map 6, Lot 15). Plan Entitled: Proposed Site Plan, 105 Quinnipiac Avenue, North Haven, CT. Dated 4-18-12. Scale 1" = 10'. CB-20 Zoning District.

Mr. John Paul Garcia presented the application to permit the construction of a new, two-story, 40'x 60' metal frame building. Then Mr. Garcia addressed Town staff comments. The Commission asked questions and Mr. Garcia responded.

6. #P12-21 Site Plan Application of Jared Andrew Brown, Applicant, Branco, Inc., Owner, relative to 222 Universal Drive, (Map 6 Lot 2). Plan Entitled: Property Map. Prepared by DeCarlo & Doll, Inc. Dated June 21, 1991. Scale 1" = 40'. IL-30 Zoning District.

Mr. Jared Andrew Brown of Jared Brown Studios, located at 26 Broadway, presented the application to permit the change of use of approximately 12,000 square feet of an existing building, located at 222 Universal Drive, from warehouse to theatre. No exterior work is being proposed. Regular hours of operation will be Monday through Thursday from 4:00 p.m. to 9:00 p.m.. The Commission asked questions and Mr. Brown responded.

**OTHER:**

- Modification of Application #P11-23, 432 Washington Avenue

Mr. Richard Borer, President of Easter Seal Goodwill, presented the modification to permit program vehicles of Easter Seals Goodwill to park along the east and north boundaries instead of the southwest corner of the property for safety concerns. The Commission asked questions and Mr. Borer responded.

Mrs. Ranciato-Viele moved to approve the modification by removing the van parking restrictions for this property; Mr. Giulietti seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

**CEASE & DESIST ORDERS:** None

**INFORMAL PRESENTATION:** None

**EXTENSIONS:** None

**BONDS RELEASES & REDUCTIONS:**

#P2000-43, 370 State Street

Mr. Andrews moved to release the entire bond for application #P2000-43, 370 State Street, in the amount of \$30,000.00; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

#P10-24, 370 State Street

Mr. Andrews moved to release the entire bond for application #P10-24, 370 State Street, in the amount of \$80,000.00; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

## **CHANGE OF USE:**

55 Middletown Avenue

Mr. Scott Ward and Mr. Peter Klein of Klein Laboratories, Inc. presented the change of use from office to basic neighborhood store. The Commission asked questions and Mr. Klein responded.

Mr. Andrews moved to approve the Change of Use from office to basic neighborhood store. Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

## **DELIBERATION SESSION:**

Mrs. Ranciato-Viele moved to go into deliberations; Mr. Homa seconded the motion. All were in favor.

## **PUBLIC HEARINGS:**

2. #P12-18 Resubdivision Application of East Brown Associates, Owner and Applicant, for fifteen (15) lots relative to 301 Kings Highway.

Mr. Giulietti moved to continue the Public Hearing to the August 6, 2012 with a preference to continue to the September 10, 2012 meeting; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

3. #P12-20S Special Permit Application (as authorized by Section 5.1.1.59), of David Marro, ADM Ventures, LLC, Applicant, 375 Washington Avenue Associates, LLC, Owner, relative to 375 Washington Avenue.

Mrs. Ranciato-Viele moved to approve the application; Mr. Homa seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

The application was approved with appropriate conditions.

## **SITE PLANS:**

4. #P12-19 Site Plan Application of Jarrett Rousseau, Owner and Applicant, relative to 105 Quinpiac Avenue.

Mrs. Ranciato-Viele moved to approve the application; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

The application was approved with appropriate conditions.

5. #P12-20 Site Plan Application of David Marro, ADM Ventures, LLC, Applicant, 375 Washington Avenue Associates, LLC, Owner, relative to 375 Washington Avenue.

Mr. Andrews moved to approve the application; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

The application was approved with appropriate conditions.

6. #P12-21 Site Plan Application of Jared Andrew Brown, Applicant, Branco, Inc., Owner, relative to 222 Universal Drive.

Mrs. Ranciato-Viele moved to approve the application; Mr. Andrews seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

The application was approved with appropriate conditions.

**CORRESPONDENCE:** - Zoning Enforcement Officer Report  
-The Connecticut Landscape Architect

Mr. Fredricksen reviewed the correspondence with the Commission.

**MINUTES:**

June 4, 2012

Mr. Andrews moved to approve the minutes of the June 4, 2012 meeting; Mr. Homa seconded the motion. The Commission voted as follows:

Carlson – aye Andrews – aye Giulietti – aye Ranciato-Viele – aye Homa – aye

**ADJOURN:**

There being no further business, Mr. Andrews moved to adjourn; Mrs. Ranciato-Viele seconded the motion. The meeting was adjourned at 10:25 PM.